IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 114 OF 1999

Krishnaji Shankar Tandale ...Petitioner

Versus

Pune Municipal Corpn. & Ors. ...Respondents

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None for the petitioner

Mr. R.S. Khadapkar h/f R.G. Ketkar, counsel for Respondent Nos. 1 to 4.

Mr. A.H. Palekar, A.G.P. for Respondent No.5.

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CORAM: B. H. MARLAPALLE, J.

DATED: 23RD FEBRUARY, 2005

P. C.:-

1. In Writ petition No.5600 of 1997 while granting Rule, an interim order was passed granting liberty to the petitioner to apply for licence under Section 372 of the Bombay Provincial Municipal Corporation Act, 1949 and on such application being made, the respondent Corporation was directed to dispose of the same on its own merits as expeditiously as possible. By subsequent order dated 23.11.1998, the Corporation was directed to decide the petitioner's application on or before 31.1.1999.

2. In this contempt petition, it is alleged that the petitioner's application was not decided even till this contempt petition was filed on or about 7.3.1999

and therefore, there is a willful disobedience of the orders passed by this Court in writ petition No. 5600 of 1997.

3. The learned counsel for the Corporation has received a communication dated 24.6.1999 from the City Engineer of the respondent No.1 Corporation informing him that the application submitted by the petitioner was heard on 5.5.1999 and by order dated 21.6.99, the Corporation revoked the suspension earlier passed on the licence of the petitioner. He, further states that the writ petition No.5600 of 1997 has been subsequently decided.

4. It is, however, clear that by the belated order dated 21.6.99, the respondent Nos. 3 and 4 have complied with the orders passed by this Court. It is seen from the farad sheet that this contempt petition was not admitted at any time and on the contrary, a show cause notice was issued vide order dated 9.3.99.

5. In the circumstances, there is no case to take cognizance of the alleged contempt after the order was passed on 21.6.99 by the respondent No.1 Municipal Corporation. The contempt petition is therefore, rejected summarily.